

Attorneys for Defendants
**TRAINER WORTHAM & COMPANY, INC.,
 DAVID P. COMO, FIRST REPUBLIC BANK and
 ROBERT VILE**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

HEIDE BETZ)	No. C 03-03231 SI
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER RESCHEDULING CASE
vs.)	MANAGEMENT CONFERENCE
)	
TRAINER WORTHAM & COMPANY,)	
INC., DAVID P. COMO, FIRST)	
REPUBLIC BANK and ROBERT VILE)	
)	
Defendants.)	

1 WHEREAS, on April 5, 2005, this Court granted Defendants' motion for summary
2 judgment and entered judgment in favor of Defendants and against Plaintiff in the above-
3 captioned case;

4 WHEREAS, Plaintiff appealed from this Court's order granting judgment in favor of
5 Defendants;

6 WHEREAS, following the appeal to the Ninth Circuit, Defendants petitioned the
7 Supreme Court for a writ of certiorari;

8 WHEREAS, on May 3, 2010, the Supreme Court granted Defendants' petition and, at
9 the same time, remanded this case to the Ninth Circuit for further consideration in light of
10 the Supreme Court's decision in *Merck & Co. v. Reynolds*, 559 U.S. ____ (2010);

11 WHEREAS, on July 7, 2010, the Ninth Circuit issued an order remanding this case to
12 this Court for further proceedings;

13 WHEREAS, Plaintiff sought an en banc rehearing on the Ninth Circuit's order to
14 remand this case;

15 WHEREAS, on September 1, 2010, the Ninth Circuit denied Plaintiff's petition for
16 rehearing en banc;

17 WHEREAS, the Ninth Circuit's formal mandate was issued on September 9, 2010;

18 WHEREAS, on October 25, 2010, this Court set a case management conference on
19 November 10, 2010, at 3:00 p.m.;

20 WHEREAS, due to scheduling conflicts, counsel for the parties are not available on
21 that date;

22 WHEREAS, the parties have met and conferred and have agreed to continue the
23 November 10, 2010 case management conference to January 28, 2011, at 3:00 p.m.

24 THEREFORE, IT IS STIPULATED AND AGREED by Plaintiff and Defendants,
25 through their respective counsel of record, as follows:

26 1. The case management conference currently scheduled for November 10, 2010,
27 at 3:00 p.m. should be vacated and rescheduled to January 28, 2011, at 3:00 p.m.
28

1 IT IS SO STIPULATED.

2 Respectfully submitted,

3 DATED: November 2, 2010

SIDLEY AUSTIN LLP

4
5 /s/ Sara B. Brody

6 SARA B. BRODY
CECILIA Y. CHAN

7 Attorneys for Defendants
8 TRAINER WORTHAM & COMPANY, INC.,
9 DAVID P. COMO, FIRST REPUBLIC BANK
and ROBERT VILE

10
11 DATED: November 2, 2010

Schwartz & Schwartz

12
13 /s/ Theodore Schwartz

14 Theodore Schwartz

15 Attorneys for Plaintiff
16 HEIDI BETZ

17 **SIGNATURE ATTESTATION**

18 Pursuant to General Order No. 45(X)(B), I hereby attest that I have on file written permission
19 to sign this joint motion from all parties whose signatures are indicated by a conformed signature
20 (/s/) within this e-filed document.

21 /s/ Sara B. Brody

22 **O R D E R**

23
24 PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED.

25
26 DATED: _____



27 The Honorable Susan Illston
28 United States District Court